

UNITED STATES BANKRUPTCY COURT
SOUTHERN DISTRICT OF NEW YORK

SECURITIES INVESTOR PROTECTION
CORPORATION,

Plaintiff-Applicant,
v.

BERNARD L. MADOFF INVESTMENT
SECURITIES LLC,

Movant.

Adv. Pro. No. 08-01789 (SMB)

SIPA LIQUIDATION

(Substantively Consolidated)

In re:

BERNARD L. MADOFF,

Debtor.

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

SOUTH FERRY BUILDING COMPANY, a New
York limited partnership, EMANUEL
GETTINGER, ABRAHAM WOLFSON, and ZEV
WOLFSON,

Defendants.

Adv. Pro. No. 10-04488 (SMB)

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

SOUTH FERRY #2, EMANUEL GETTINGER,
AARON WOLFSON, and ABRAHAM
WOLFSON,

Defendants.

Adv. Pro. No. 10-04350 (SMB)

IRVING H. PICARD, Trustee for the Substantively
Consolidated SIPA Liquidation of Bernard L.
Madoff Investment Securities LLC and Bernard L.
Madoff,

Plaintiff,

v.

UNITED CONGREGATIONS MESORA ,

Defendant.

Adv. Pro. No. 10-05110 (SMB)

TRUSTEE’S MOTION FOR SUMMARY JUDGMENT

Irving H. Picard (the “Trustee”), trustee for the substantively consolidated liquidation of the business of Bernard L. Madoff Investment Securities LLC (“BLMIS”) under the Securities Investor Protection Act (“SIPA”), 15 U.S.C. §§ 78aaa–*III*, and the estate of Bernard L. Madoff (“Madoff”), by and through his undersigned counsel, respectfully submits this motion in the above-captioned adversary proceedings for summary judgment (the “Motion”), pursuant to the schedule set forth in the Stipulation for Entry of Scheduling Order so ordered by this Court on January 26, 2017 (as amended on July 11, 2017, and attached hereto as Exhibit 1), and Rule 56 of the Federal Rules of Civil Procedure (made applicable Rule 7056 of the Federal Rules of Bankruptcy Procedure and Southern District of New York Local Bankruptcy Rule 7056-1), on Count One of the Trustee’s complaints to avoid and recover as fraudulent transfers (the “Transfers”) the amounts BLMIS fraudulently transferred to defendants (“Defendants”) in the above-captioned actions (“Avoidance Actions”), and for which Defendants failed to provide value. The facts and support underlying the Motion are fully set forth in the Joint Statements of Undisputed Material Facts (the “Joint Statements”) submitted by the Trustee and Defendants (together, the “Parties”), and so ordered by this Court on May 31, 2017 and June 6, 2017, as well

as the accompanying Memorandum of Law in Support of the Motion, and the Declaration of Keith R. Murphy dated July 21, 2017, filed simultaneously herewith.

By the Motion, the Trustee seeks the entry of orders in the above-captioned cases avoiding the Transfers, and directing the Defendants to return such Transfers, or the value thereof, to the Trustee for the benefit of the BLMIS estate. The Trustee also seeks prejudgment interest from the Defendants concerning the Transfers.

Dated: New York, New York
July 21, 2017

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Liquidation of Bernard L. Madoff
Investment Securities LLC and the Estate
of Bernard L. Madoff*